

Return Address:

Columbia County Commissioners
341 E Main Street
Dayton, WA 99328

Document Title:

Ordinance #2015-01

Grantor:

Columbia County

Grantee:

The Public

Legal Description:

N/A

Assessor's Property Tax Parcel/Account Number:

N/A

COLUMBIA COUNTY ORDINANCE #2015-01

Title 19 CODE ENFORCEMENT

GENERALLY

Sections:

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19.5.10 Definitions.

- (1) "Board," as used in this title, shall mean the Columbia County Board of Commissioners.
- (2) "Commercial/noncommercial ventures" as used in this title shall have the following meanings: Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by such person or such person's immediate family shall be deemed to be engaged in a noncommercial venture. All other persons shall be deemed to be engaged in commercial ventures.
- (3) "Director" as used in this title shall mean any or any combination, working in conjunction, of: the Director of Public Works, Director of Planning and Building, and/or Director of Public Health, or such other person as the Board shall by ordinance authorize to utilize the provisions of this title and shall also include any duly authorized representative of such director. "Director" shall also mean the "local health officer" as that term is used in Chapter 70.05 RCW.
- (4) "Hearing Examiner" as used in this title shall mean the person or tribunal appointed by the Board to hear appeals or any appeal under this title or his duly authorized representative.
- (5) "Land disturbing activity" as used in this title shall mean any activity that results in a change to the existing soil cover, both vegetative and non-vegetative, or existing soil topography. Land disturbing activities include, but are not limited to: demolition, construction, clearing, grading, filling or excavation.
- (6) "Land use ordinance" as used in this title shall include this title and any other existing or future ordinance or resolution of the county which regulates the use and development of land, including but not limited to zoning regulation, subdivision regulations, short subdivision regulations, signing regulations, land disturbing activity, erosion control and water quality regulations and all building, fire and construction codes. "Land use ordinance" shall also include any existing or future law of the State Legislature which regulates the use of and development of land, including but not limited to: the State Subdivision Law, Chapter 58.17 RCW; the Shorelines Management Act, Chapter 43.51 RCW; and the Solid Waste Management Act, Chapter 70.95 RCW. This title shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to any such state law and pursuant to Art. II, Sec. 11, Washington State Constitution.
- (7) "Nuisance" as used in this title is defined as the commission of any unlawful act or the failure to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable

river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life or in the use of property.

- (8) "Person" as used in this title shall include any natural person, organization, corporation or partnership and their agents or assigns.
- (9) "Public nuisance" as used in this title is defined as a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.
- (10) "Public health ordinance" as used in this title shall include this ordinance and any other existing or future ordinance or resolution of the county and rules and regulations of the Public Health Department or the Board which regulate the public health, which may be enforced by the local health officer or by the Director where applicable, such as health and sanitation regulations, solid waste regulations, rabies control regulations, water and sewer systems regulations, uniform regulations required pursuant to Chapter 19.27 RCW and Public Health Department rules and regulations pertaining to food service establishments and on-site sewage disposal systems. The term shall also include state laws of a similar nature, and this title shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to said laws of Art. II, Sec. 11, Washington State Constitution. (XXX)

19.05.020 Administration.

The Director is hereby authorized to utilize the procedure of this title in order to enforce any land use or public health ordinance. The directors of Public Health, Planning and Public Works are hereby created Limited Authority Peace Officers for purposes of executing the provisions of this Chapter, and may deputize any employees of their respective departments to carry out their duties and functions with the same authority as that director. (XXX)

19.5.30 Declaration of intent.

- (1) All violations of land use and public health ordinances are determined to be detrimental to the public health, safety and welfare and are hereby declared to be public nuisances. All conditions which are determined by a director to be in violation of any land use or public health ordinance shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means as provided herein.
- (2) The director shall have the power to render interpretations in order to clarify the application of provisions of the code. Such interpretations shall be in conformity with the intent and purpose of this code. (XXX)

19.05.040 Right of entry.

Whenever necessary to make an inspection to enforce the provisions of any land use or public health ordinance, or whenever the director has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of any land use or public health ordinance, the director shall first seek permission to enter such building, structure, property or portion thereof at all reasonable times to inspect the same. If permission to inspect is denied by the owner or person in possession of property, or reasonable attempts to contact the owners or persons in possession are unavailing, the director shall have the authority to apply to a court of competent jurisdiction for an order authorizing entry upon the land for the performance of the inspection.

If the director issues an order requiring abatement and no appeal is taken from the order or the director prevails on appeal, the director shall first seek permission to enter the land and undertake abatement. If, however, permission to enter is denied, the director may apply to a court of competent jurisdiction for authority to enter the property in order to perform the abatement as provided in the director's order. (XXX)

19.5.45 Violations a Misdemeanor When.

- (1) Whenever any person commits an act or omission which constitutes nuisance or public nuisance, or a violation of any land use ordinance or public health ordinance, that person is guilty of Violation of a Health and Safety Code when:
 - (a) The violation occurs or continues to exist following notice of the violation by the Director by either oral notice, written notice or the issuance of a civil infraction; and
 - (b) The person has received an opportunity to cure the violation and has not cured it within the time limits imposed by the Director, or within 20 days if no time to cure has been provided by the Director to the person in violation.
- (2) Violation of a Health and Safety Code shall be a misdemeanor criminal offense punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars or both such imprisonment and fine.
- (3) The unit of prosecution for Violation of a Health and Safety Code shall be each period of seven days, and any subsequent fraction thereof after the last complete unit of seven days, that the violation continues.
- (4) A charge of Violation of a Health and Safety Code shall not preclude the Director from civil abatement remedies in addition to the criminal charge.
- (5) For purposes of this section, a violation is deemed to be "cured" when the Director issues a written confirmation that the violation has been remedied and meets requirements under the Columbia County Code.

19.05.050 Civil penalty.

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates any land use or public health ordinance, or rules and regulations adopted thereunder, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty as provided in Table 19.05.050. Each day the violation continues unabated may constitute a new violation. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title or as authorized by law.

TABLE 19.05.050

The penalties assessed against the violations are grouped for first and subsequent violations within any five (5) year period as follows:		
Violation	First Violation	Subsequent Violation
Building without permit	\$250	\$500
Occupancy without approval	250	500
Dangerous structure	250	500
Grading without permit	100	250
No erosion control	500	1,000
Wetland protection	500	1,000
Surface mining	500	1,000
Water quality controls	250	500
Site plan	250	500
Auto wrecking	100	250

Setback	100	250
Sign	100	250
Occupancy of travel trailer	100	250
Nuisance	100	250
Home business/occupation	250	500
Shoreline	500	1,000
Habitat	250	500
Violation of stop work order	500	1,000
All other violations	250	500

(XXX)

19.5.55 Citation.

- (1) Generally. In addition or as an alternative to any other judicial or administrative remedy provided herein or by law, the Director or his/her designee is authorized, after investigation of the violation and consultation with the code enforcement supervisor or designee, to issue a citation imposing a penalty upon any person who creates or maintains a nuisance, violates any land use or public health ordinance, or rules and regulations adopted thereunder, or by each act, commission or omission procures, aids, or abets such a violation. All persons authorized to issue citations shall be authorized by the director and a list of those authorized maintained by the office of the director, with copies provided to the Board.
All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title or authorized by law.
- (2) Requirements of Citation.
 - (a) A citation conforming to the requirements of this section may be used for all ordinance violations which occur in the unincorporated areas of Columbia County.
 - (b) The citation shall contain the following information or blanks in which such information is entered:
 - (i) File number citation number;
 - (ii) Name of the person cited;
 - (iii) Name of the property owner;
 - (iv) Section of the ordinance or code violated;
 - (v) A brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so;
 - (vi) The date and place at which the violation occurred and the date on which the citation was issued;
 - (vii) The place where the person cited can appeal to a hearings examiner and the time within which such appeal must be filed;
 - (viii) The penalty fixed for the violation by schedule;
 - (ix) The citation shall contain a certification, made under penalty of perjury, to the effect that he/she certifies that he/she has reasonable grounds to believe, and does believe, that the person cited committed a violation of a Columbia County ordinance.
 - (c) In addition, the citation shall contain a notice to the person that the citation will be filed with the prosecuting attorney's office.

- (d) The reverse side of the citation shall contain the following in a form substantially as follows:
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READ CAREFULLY

You have been cited for a violation of a Columbia County ordinance. You MUST do ONE of the following:

1. Mail to Columbia County, 114 South 2nd Street, Dayton, WA 99328-1341, this citation, together with a check or money order in the amount of the penalty shown on this citation. THIS CITATION AND THE PAYMENT OF PENALTY MUST REACH THE CODE ENFORCEMENT OFFICE WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE OF THIS CITATION. ADMISSION

I, the undersigned, do hereby ACCEPT RESPONSIBILITY for said violation as cited, WAIVE my right to an APPEAL HEARING and agree to pay the penalty prescribed for my violation.

(Defendant's Name)

2. File an appeal by signing the REQUEST FOR APPEAL and returning it to the Columbia County Code Enforcement Office, 114 South 2nd Street, Dayton, WA 99328-1341 to request a hearing within ten days from the date of this citation. The Code Enforcement Office will then set a time for a hearing.

REQUEST FOR APPEAL

I, the undersigned, do hereby request an appeal hearing for the violation charged on the other side of this citation. I am requesting an appeal because I do not believe I am in violation of the cited ordinance for the following reason(s). _____

(Appellant's Name)

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, A FINDING OF VIOLATION WILL BE ENTERED AND THE PENALTY MAY BE COLLECTED THROUGH THE LIEN PROCEDURE (CCC 19.20). FAILURE TO COMPLY MAY ALSO RESULT IN THE FILING OF CRIMINAL (MISDEMEANOR) CHARGES.

IF YOU BELIEVE THE CITATION WAS WRITTEN IN ERROR AND WISH TO CONTACT SOMEONE IMMEDIATELY CALL (509) 382-4767 AND LEAVE A MESSAGE FOR THE CODE ENFORCEMENT OFFICE WHO WILL CONTACT YOU WITHIN 2 BUSINESS DAYS AND PROVIDE INFORMATION REGARDING THE VIOLATION OR APPEAL. Regardless of whether you call, you must still timely pay the penalty or appeal.

- (3) Procedures Governing Hearing.
- (a) Amendment. A citation may be amended at any time prior to a final ruling by the hearings examiner. A continuance shall be granted if the appellant satisfies the hearings examiner that additional time is needed to respond to the amended citation.
 - (b) Hearing Dates. If the person cited requests an appeal hearing, pursuant to subsection (2)(b)(vii) of this section, the code enforcement office shall fix a date and time for hearing within sixty (60) days, and, unless notice is waived, shall notify the appellant at least twenty (20) days in advance of the hearing by certified mail or hand delivery, a notice of the date and time so fixed. The notice shall set forth a warning that, in the event that the appellant fails to appear, the hearings examiner will issue a finding of violation against the appellant.
 - (c) Penalties. At the discretion of the Director or his/her authorized personnel, any penalty(ies) not paid within thirty (30) days from the date of issuance of the citation

may be placed as a lien against the property on which the violation has occurred pursuant to law.

- (4) Settlement and Disposition of Penalties. The Director or his/her designee is authorized to enter into negotiations with the parties, or their legal representatives named in an enforcement action involving any provision of this title for the collection of penalties, to negotiate a settlement, compromise or suspension, when to do so will be in the best interests of the County; provided; that a report shall be submitted to the Board in any instance where a compromise settlement is negotiated.
- (5) Finality of Appeal. An order of the Hearing Examiner shall become final twenty (20) days after a mailing of the Hearing Examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Columbia County superior court. (XXX)

19.05.060 Abatement.

In addition or as an alternative to any other judicial or administrative remedy provided herein or by law, the Director is authorized to order a land use or public health ordinance violation to be abated.

The Director is authorized to order any person who creates or maintains a nuisance, violation of any land use or public health ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such time as the Director determines reasonable under the circumstances. The person, subject to the Director's order, shall either complete the corrective work or timely file an appeal pursuant to Columbia County Code 19.05.040. If the required corrective work is not commenced or completed within the time specified, the Director may proceed to abate the violation and cause the work to be done, upon receipt, from a court of competent jurisdiction, of an order authorizing the same. The director or designee is authorized to seek an order from a court of competent jurisdiction allowing entry of the property of the person committing the violation for the purpose of abatement of said violation.

The actual cost of abatement, including incidental costs such as staff time, legal costs, costs of postage and any other reasonable costs shall be included as abatement costs.

The director is authorized to charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. All challenges to the reasonableness of the cost charged may be raised at such time as Columbia County undertakes a lien foreclosure. (XXX)

19.05.070 Additional enforcement.

Notwithstanding the existence or use of any other remedy, the Director is authorized to seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a nuisance, a violation of any land use or public health ordinance or rules and regulations adopted thereunder. (XXX)

19.5.80 Special investigation.

- (1) Whenever any work has been commenced, for which a permit or approval is required by the land use ordinances of this code, without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- (2) An investigation fee, in addition to the permit or approval fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the permit or approval fee required by the applicable land use ordinance. (XXX)

Sections:

<u>19.10.010</u>	Commencement of proceedings.
<u>19.10.020</u>	Notice and order.
<u>19.10.030</u>	Method of service.
<u>19.10.040</u>	Appeals.
<u>19.10.050</u>	Final order.
<u>19.10.060</u>	Supplemental notice and order.
<u>19.10.070</u>	Enforcement of a final order.
<u>19.10.080</u>	Settlement of civil penalty claims.

19.10.10 Commencement of proceedings.

- (1) Whenever the Director has reason to believe that a use or condition exists in violation of any land use or public health ordinance, or rules and regulations adopted thereunder, he/she is authorized to initiate enforcement action pursuant to Section 19.05.050 and/or, an administrative notice and order proceeding under this chapter to cause the enforcement and correction of each violation.
- (2) Pending commencement and completion of the notice and order procedure provided for in this chapter, the Director is authorized to issue and post a "stop work order," to be posted on the subject property or served on persons engaged in any work or activity in violation of a land use or public health ordinance. The effect of such a "stop work order" shall be to require the immediate cessation of such work or activity until authorized by the Director to proceed, and any person who fails or refuses to comply with the requirements of the stop work order shall, by each act, be subject to a civil penalty as provided in Table 19.05.050. All civil penalties assessed may be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title or as authorized by law.
- (3) In addition to the remedies referred to in subsections (1) and (2) of this section, the Director is authorized to refer any matter to the Prosecuting Attorney for criminal action pursuant to this Chapter. (XXX)

19.10.20 Notice and order.

Whenever the Director has reason to believe that a nuisance, a violation of a land use or public health ordinance or rules and regulations adopted thereunder will be most promptly and equitably terminated by an administrative notice and order proceeding, the Director is authorized to issue a written notice and order directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order should be issued first against the violator, with a copy to the property owner, where the violator is not the property owner e.g., tenant, unless the seriousness of violation demands filing against property owner. Such notice and order may be issued by the Director alone or, where violations of more than one county ordinance, rule or regulation exists, in conjunction with a notice and order issued by another Director. The notice and order shall be posted on the property and shall contain:

- (1) The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
- (2) A statement that the Director has found the person to be in violation of a land use or public health ordinance or that a nuisance exists on the property, with a brief and concise description of the conditions found to be in violation;

- (3) A statement of the corrective action required to be taken. If the Director has determined that corrective action is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as the Director shall determine is reasonable under the circumstances;
- (4) A statement specifying the amount of any civil penalty assessed on account of the violation or nuisance and, if applicable, the conditions upon which assessment of such civil penalty are contingent;
- (5) Statements advising that (i) if any required work is not commenced or completed within the time specified above, the Director is authorized to proceed to abate the violation as authorized by Section 19.05.060 and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation or responsible person who has failed to abate the nuisance; and (ii) if any assessed civil penalty is not paid, the Director will charge the amount of the penalty, and any costs of abatement undertaken pursuant to Section 19.05.060, as a lien against the property and as a joint and separate personal obligation of any person in violation or failing to abate a nuisance; and (iii) failure to comply may result in criminal charges as set forth in Section 19.05.045; and
- (6) A statement advising that the order shall become final unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the Hearing Examiner. (XXX)

19.10.030 Method of service.

Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested or if the address of any such person cannot reasonably be ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation and the notice will be posted on the property. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner herein provided shall be effective on the business day following the date of mailing. (XXX)

19.10.40 Appeals.

- (1) Any person aggrieved by the order of the Director may request in writing within ten (10) days of the service of the notice and order an appeal hearing before the Columbia County Hearing Examiner. The request shall cite the notice and order being appealed and contain a brief statement of the reasons for seeking the appeal hearing. The method of appeal as provided in this resolution shall be sole and exclusive, and no appeal shall be had to the Board from any determination rendered under the authority of this resolution. (XXX)
- (2) The appeal hearing shall be conducted on the record and the Hearing Examiner shall have such rulemaking and other powers as were available to the Director originally. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appealing party, to the Director whose order is being appealed, and to other interested persons who have requested in writing that they be so notified.
- (3) All appeals shall be conducted in accordance with Washington Administrative Code Chapter 10-08, "Uniform Procedural Rules." Should any conflict arise between the provisions of this ordinance and the applicable sections of Chapter 10-08 WAC, the provisions of this ordinance shall prevail.

For the purposes of this chapter, all references in the WAC to "agency" shall apply to the Hearing Examiner. In addition, the Hearing Examiner may promulgate and adopt such additional rules as are necessary for the conduct of a hearing.

- (4) Each party shall have the following rights, among others granted by law:
 - (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (ii) To introduce documentary and physical evidence;
 - (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (iv) To impeach any witness regardless of which party first called him to testify;
 - (v) To rebut evidence against him;
 - (vi) To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (5) Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. The written decision of the Hearing Examiner shall be mailed by certified mail, postage prepaid, return receipt requested, to all the parties.
- (6) The appeal hearing before the Columbia County Hearing Examiner shall occur within sixty (60) days following receipt of the written notice of appeal, unless the matter is continued at the discretion of the Hearing Examiner after receiving consent of all parties to the proceeding. (XXX)
- (7) Whenever possible, the appeal from the Director's order shall be combined with any other appeal from county enforcement actions relating to the same subject matter and falling within the jurisdiction of the Hearing Examiner. (XXX)

19.10.50 Final order.

- (1) Any order duly issued by the Director pursuant to the procedures contained in this title shall become final ten (10) days after service of the notice and order unless a written request for hearing is received by the Hearing Examiner within the ten (10) day period.
- (2) An order which is subjected to the appeal procedure shall become final twenty (20) days after a mailing of the Hearing Examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Columbia County superior court. (XXX)

19.10.060 Supplemental notice and order.

The Director is authorized at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders and contained in this title. (XXX)

19.10.70 Enforcement of a final order.

- (1) If, after any order duly issued by the Director has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Director is authorized to:
 - (i) Cause such person to be prosecuted under this title; and/or
 - (ii) Institute any appropriate action to collect a civil penalty assessed under this title; and/or
 - (iii) Abate the land use or health violation using the procedures of this title; and/or
 - (iv) File in the auditor's recording office a certificate describing the property and the violation and stating that the owner has been so notified; and/or
 - (v) Pursue any other appropriate remedy at law or in equity under this title.

- (2) Enforcement of any notice and order of the Director issued pursuant to this title shall be stayed during the pendency of any appeal under this title, except when the Director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued. Mitigation measures may be imposed by the Director during the pendency of an appeal in Superior Court, upon the issuance of a temporary restraining order from the Court authorizing those measures, to minimize the impact of the alleged violation. Penalties assessed in the notice and order will continue to aggregate during the appeal period unless the appellant prevails on appeal. The aggregated penalty shall not exceed three (3) times the amount of the daily penalty as determined by the Table 19.05.050 for any single violation from its inception through the date the hearing examiner renders its final decision. (XXX)

19.10.080 Settlement of civil penalty claims.

The Director is authorized to settle and compromise claims for civil penalties accruing pursuant to this chapter where such settlement is clearly in the interests of Columbia County; PROVIDED, that the Director shall periodically report such settlements and compromises to the Board. (Res. No. XXX)

Chapter 19.15
SUSPENSION AND REVOCATION OF PERMITS

Sections:

- 19.15.010 Suspension of permits.
- 19.15.020 Revocation of permits.

19.15.10 Suspension of permits.

- (1) The Director is authorized to temporarily suspend any permit issued under a land use or health ordinance for (i) failure of the holder to comply with the requirements of any land use or public health ordinance or rules or regulations promulgated thereunder, or (ii) failure to comply with any notice and order issued pursuant to this title.
- (2) Such permit suspension shall be carried out through the notice and order provisions of this title, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided by this title.
- (3) Notwithstanding any other provision of this title, whenever the Director finds that a violation of any land use or public health ordinance or rules and regulations has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he/she is authorized, without service of a written notice and order, to suspend and terminate operations under the permit immediately. (XXX)

19.15.20 Revocation of permits.

- (1) The Director is authorized to permanently revoke any permit issued by the county for (i) failure of the holder to comply with the requirements of any land use or public health ordinance or rules or regulations promulgated thereunder, or (ii) failure of the holder to comply with any notice and order issued pursuant to this title, or (iii) interference with the Director in the performance of his/her duties, or (iv) discovery of the Director that a permit was issued in error or on the basis of incorrect information supplied to the county.
- (2) Such permit revocation shall be carried out through the notice and order provisions of this title and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator has the right to appeal such revocation, as provided by this title.

- (3) A permit may be suspended pending its revocation or a hearing relative thereto. (XXX)

Chapter 19.20
RECOVERY OF CIVIL PENALTY AND COST OF ABATEMENT

Sections:

- 19.20.010 Lien Authorized.
19.20.020 Personal Obligation Authorized.
19.20.030 Notice Lien May Be Claimed.
19.20.040 Priority.
19.20.050 Claim of Lien—General.
19.20.060 Recording.
19.20.070 Duration of Lien—Limitation of Action.
19.20.080 Foreclosure—Parties.

19.20.010 Lien Authorized.

Columbia County shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this title, or both, against the real property on which the civil penalty was imposed or any of the above work was performed. (XXX)

19.20.020 Personal Obligation Authorized.

The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The Prosecuting Attorney on behalf of Columbia County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies. (XXX)

19.20.030 Notice Lien May Be Claimed.

The notice and order of the Director pursuant to this title shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by Columbia County. (XXX)

19.20.040 Priority.

The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity. (XXX)

19.20.50 Claim of Lien—General.

- (1) The Director shall cause a claim for lien to be filed for record in the Auditor's Recording Department within ninety (90) days from the date the civil penalty is due or within ninety (90) days from the date of completion of the work or abatement performed pursuant to this title.
- (2) Contents. The claim of lien shall contain the following:
 - (i) The authority for imposing a civil penalty or proceeding to abate the violation, or both;
 - (ii) A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
 - (iii) A description of the property to be charged with the lien;
 - (iv) The name of the known owner or reputed owner, and if not known that fact shall be alleged; and
 - (v) The amount, including lawful and reasonable costs, for which the lien is claimed.

- (3) Verification. The Director or his authorized representative shall sign and verify the claim by oath, before a notary public, to the effect that the affiant believes the claim is just.
- (4) The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment. (XXX.)

19.20.060 Recording.

The Director shall record and index the claims and notices described in this chapter. (XXX)

19.20.070 Duration of Lien—Limitation of Action.

No lien created by this title binds the property subject to the lien for a period longer than three years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien. (XXX)

19.20.80 Foreclosure Parties.

- (1) Foreclosure. The lien provided by this title may be foreclosed and enforced by a civil action in a court having jurisdiction.
- (2) Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.
- (3) Actions saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien. (XXX).

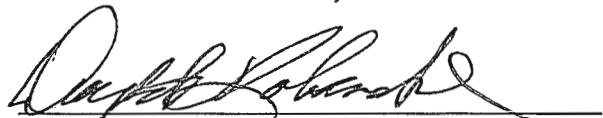
19.20.81 Effective Date.

The effective date of this Ordinance shall be Five Days after the date of publication of adoption.

19.20.82 Adoption.

Passed by the Columbia County Board of County Commissioners regular session at Dayton, Washington, signed by its membership and attested by its Clerk in Authorization of such passage this 21st day of October, 2014.

**BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, WASHINGTON**


Dwight L. Robanske, Chairman


Michael A. Talbott, Commissioner


Merle D. Jackson, Commissioner

Attest: 
Leanne J. Peters
Clerk of the Board